

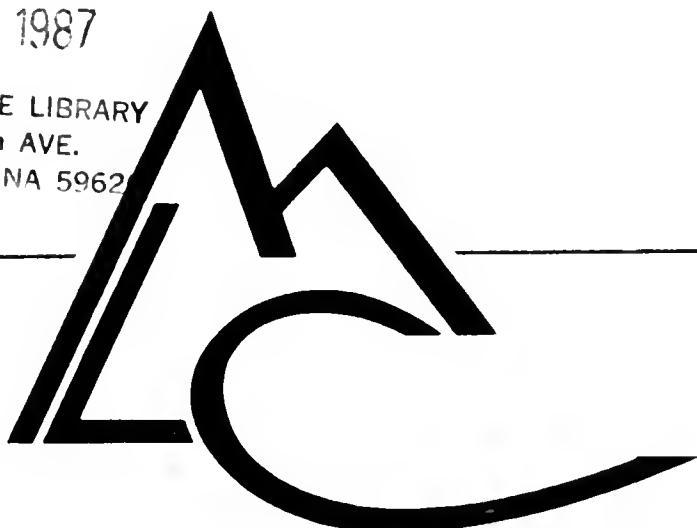
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**Montana Legislative Council**

**Sources of Information and Publications**

By  
Sally Halverson  
Librarian

Third Edition

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## PREFACE

The Montana Legislative Council provides information resources for legislators and other interested persons both during and after a legislative session. These resources are designed to help people locate legislation, vote totals, committee testimony, and codified statutes. Such tools include the telephone directory; bill status reports from drafting to final vote; subject indexes of proposed legislation; lists of code sections which could be affected by passage of legislation, etc.

This brochure provides a brief introduction to the various sources of information published by the Montana Legislative Council.

During the legislative session, the Legislative Information Office is open to help people with questions. This office is located in the rotunda of the capitol and a toll-free number, 1-800-237-5079, is provided for out-of-town inquiries. The office provides access to computer terminals which contain the latest information on introduced bills. Persons should utilize the Legislative Information Office whenever possible during the session.

For more information on any part of this brochure, contact the Montana Legislative Council, Room 138, State Capitol, Helena, Montana 59620, phone (406) 444-3064.

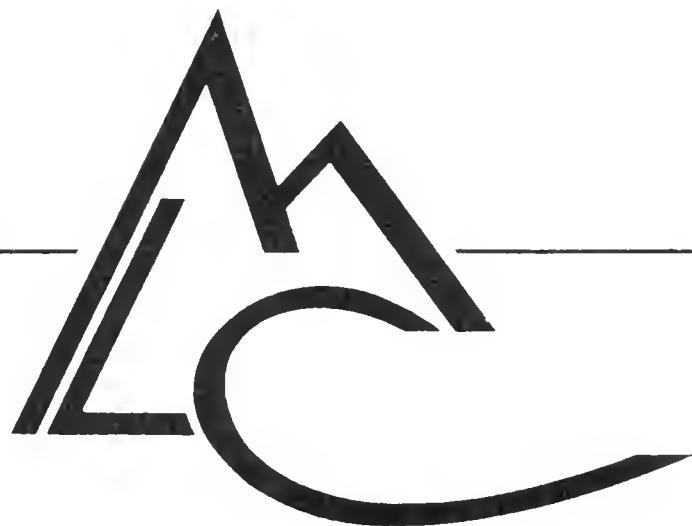
# INTRODUCTION TO THE MONTANA LEGISLATIVE COUNCIL

The functions of the Legislative Council are described in this brochure. Included are legislative membership, current council personnel, and a bibliography of all council research study reports from 1957 to the present. Rules of procedure, a list of former Chairmen and Vice-Chairmen, and interim operations are also detailed.

Copies may be obtained from the Legislative Council.

An Introduction to

## *THE MONTANA LEGISLATIVE COUNCIL*



SAMPLE

# RULES OF THE MONTANA LEGISLATURE

The Joint Rules, Senate Rules, House Rules, and an index to those rules are printed along with the Montana Constitution and its index in the Rules of the Montana Legislature. This book also gives a brief listing of deadlines and time limitations for the session with the corresponding rule number.

## JOINT RULES

---

### CHAPTER 3 Legislative Employees

3-1. The legislature shall prescribe the compensation of the employees of each house by joint resolution. Each house shall prescribe the duties of its officers and employees, and no payment shall be made from the state treasury, or be in any way authorized to any such person, except to an acting officer or employee elected or appointed in pursuance of law.

3-2. The Legislative Council shall be responsible for maintaining personnel files.

3-3. The committee on legislative administration of each house shall appoint a secretary for a standing or special committee on recommendation of the committee chairman, subject to the approval of the respective house. A secretary for a standing or special committee is immediately responsible to the committee chairman, but when not occupied with the duties of a committee, shall work under the direction of the chief stenographer of each house. The Legislative Council shall hire all

# TELEPHONE DIRECTORY

The Telephone Directory is published every session and is a very valuable pocket-sized information source. It contains the names of Senate and House members along with their political affiliation, district number, home address, Helena address, spouse's name, business occupation, and committee assignments. Also included in the directory are state officials and agencies; legislative committee meeting dates, with time and place; seating charts; order of business, and maps.

This directory is free and is available from the Legislative Information Office and the Legislative Council.

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SAMPLE

# LEGISLATOR'S HANDBOOK

The Legislator's Handbook provides an overview of the operations of the legislature, legislative service agencies, and state government. Included are chapters on centralized services, legislative interns and aids, and lobbying and lobbyists. Procedures of standing committees, how a bill becomes law, the twelve orders of business, and fiscal note requirements are also reviewed.

Copies of this publication are available from the Legislative Council.

## CHAPTER III

### LEGISLATIVE PROCEDURES

#### ORDER OF BUSINESS

The agenda followed by each house during each business day is called the Order of Business. After the opening prayer, roll call, and report on the journal, the Senate and House proceed through their business in this progression, although there may be nothing to discuss on any particular day under one or more of the Orders of Business.

The 12 Orders of Business are:

No. 1 - Communications and Petitions. Various types of communications may be read to the legislative body.

No motions are acceptable.

No. 2 - Reports of Standing Committees. Reports are read from the rostrum. Legislators do not receive an actual copy in the originating house, but amendments are printed in full in the daily journal. After favorable vote, an amended version of the bill is printed.

Generally, no motion is acceptable except some privileged motions such as to adjourn or call of the house and some incidental motions such as for a roll call vote; however, by established practice these motions are not generally made.

No debate is had unless a minority committee report has been submitted. A member seeking to challenge the action on the adoption of a favorable or an adverse committee report may do so on Order of Business No. 6 by a motion to reconsider and need not have voted on the prevailing side.

No. 3 - Reports of Select Committees. A conference committee is an example. If the Senate or the House amends a bill passed by the originating house which then refuses to accept the changes, a conference committee is appointed from each house to resolve the difference. "A conference committee" must confine itself to accepting or rejecting each disputed amendment in its entirety. A "free conference committee" may discuss a bill in its entirety. "Accede" means that one house will accept the amendment proposed by the other house; "recede" means that the house proposing a particular amendment will withdraw the amendment.

SAMPLE

# BILL DRAFTING MANUAL

The Bill Drafting manual sets forth uniform standards and instructions on bill drafting. It includes information on the mechanics, style and technique of drafting bills, resolutions, amendments, referendums, and administrative rules. Sample bills and resolutions, plus a bill drafter checklist, are included.

This publication is free and available from the Legislative Council.

## CHAPTER 2 STYLE AND LANGUAGE

**2-1. Introduction.** Bills should be written in a simple, clear, and direct style, phrased for the common reader as well as for the political or legal expert.

A poorly drafted, ambiguous bill will waste the time of citizens affected, confuse those charged with its administration, lead to litigation, and likely fail to accomplish the purpose of the author. Good drafting requires concise wording that is understandable by a person who has no special knowledge of the subject.

If a paragraph in a bill has to be paraphrased to make it intelligible to the layman, it needs revising. In Montana, the common-law tradition has manifested itself in the timeworn, nonessential phrases and rhetorical flourishes found in our older legislative enactments. The suggestions contained in this chapter are designed to help the drafter avoid the most common faults in style and language evident in some of our present law.

As authority for basic rules of writing, the Legislative Council uses the latest edition of the United States Government Printing Office Style Manual and the Gregg Reference Manual, Sixth Edition, by William A. Sabin. Compounding of words is done according to the Style Manual.

Generally, the ordinary rules of grammar apply to legislative writing; however, in a few instances a departure from common usage is suggested.

**2-2. Word Choice Generally.** The objective in legislative drafting is to make the final product as precise and understandable as possible. There are hundreds of expressions, legal and otherwise, that can be simplified. In general:

- (1) never use a long word where a short one will do;
- (2) if it is possible to omit a word and preserve the desired meaning, always omit it; and
- (3) never use a foreign phrase, a scientific word, or a jargon word if there is an everyday English equivalent.

Remember that the bill must be both precise and clear. While striving for unstilted, clear, natural expression, the drafter must avoid becoming conversational. In conversation, the speaker reserves the right to explain what is meant. No such right is granted the drafter. The entire meaning of a bill could be determined by the choice of one key word, so words must be chosen carefully.

SAMPLE

# BILL DRAFTING REQUEST REPORT

Bill drafting request forms are filed in the Legislative Council Legal Office. The requests are assigned an LC (Legislative Council) number which becomes the identifying number throughout the drafting and typing stages. Information from the bill draft request form is used to produce the Bill Drafting Request Report.

The report is printed in four parts: the Subject Report, the Requestor Report, the By Request of a Committee or Agency Report, and the Drafter Report. Entries in each of the four reports include the LC number, bill number, short title, requestor, sponsor, subject code, and drafter.

Copies of the Bill Drafting Request Report are available for use in the Legislative Council offices, the Library, and at the Distribution Center in the capitol. The report may be purchased, with price set according to the number of pages.

MONTANA LEGISLATIVE COUNCIL BILL DRAFTING REQUEST RECORD BOOK REPORT -- BY SUBJECT --			
SPONSOR IS LISTED IN PARENTHESES IF DIFFERENT FROM REQUESTOR	(SPONSOR)	SUBJECT	DRAFTER
SUBJECT: AGRICULTURE			
11 MONTANA BLENDED GRAIN INTERIM AG COM	AGR	GOMEZ, TOM	
12 LIMIT AG LOSS ON PERSONAL INCOME TAX INTERIM AG COM	AGR TXIN	GOMEZ, TOM	
41 LIMIT FARM LOSS DEDUCTION ALLOWED IN COMPUTING INDIVIDUAL INCOME TAXES NEUMAN, T	T+IN AGR T+AG	GOMEZ, TOM	
97 TAX EXEMPTION FOR PRODUCER-HELD GRAIN AKLESTAD, G	T+AG T+PR AGR	COOLEY, DAVE	
194 LTC FINANCING STATEMENT FOR FARM EQUIPMENT CONTAIN MODEL, SERIAL NUMBERS LIEN LAW-SUIT SUBCOM	SECT AGR	MCCUE, MARY	
195 PARITY PRICES FOR FARMERS RESOLUTION SCHYE, T	AGR	GOMEZ, TOM	
235 REVISE AG CHECK-OFF HAYNE, H	AGR T+AG	GOMEZ, TOM	
255 WILDLIFE MANAGEMENT ON PRIVATE LAND ASAY, T	FISH AGR	MERRILL, ANDREA	
260 MONEY FOR GAME ANIMAL DAMAGE TO AG PROPERTY RAPP-SOURCE, P	APP FISH AGR	MERRILL, ANDREA	
261 FAMILY FARM PRESERVATION ACT RAPP-SOURCE, P	AUR	GOMEZ, TOM	
275 COMBINE DEPARTMENTS OF AGRICULTURE AND LIVESTOCK NEUMAN, T	STGO AGR L+TA	COOLEY, DAVE	
SUBJECT: ALCOHOLIC BEVERAGE			
26 REVISE RETAIL LIQUOR SYSTEM PAVLOVICH, R	ALC LIQO	MACMASTER, JOHN	
56 REVISE DUI CHANGE PER SE LEVEL FROM 0.10 TO 0.15, ADD DIVERSION PROGRAM MANNING, R	ALC MTRV LR TRAF	MCCURE, EDDIE	
76 CLARIFY BEER & LIQUOR MEANS ALL ALCOHOL REV OVERSIGHT COM	ALC	LEAR, JIM	
77 INFORM ALCOHOLIC BEVERAGE CODE TO 85 CHANGE IN DEFINITION OF TABLE WINE REV OVERSIGHT COM	AUL	LEAR, JIM	
111 PENALTY FOR PROCURING ALCOHOL WITH FALSE IDENTIFICATION PAVLOVICH, R	ALC MIN	MACMASTER, JOHN	

SAMPLE

# INTERNAL REFERENCE LIST

The Internal Reference List is a computer-generated list of all Montana Code Annotated sections which refer to other MCA sections. This publication is used in bill drafting and provides the drafter with a quick source for finding all references to a certain section of the code in the event that such a section is to be repealed or amended.

This publication is free and available from the Legislative Council.

REFERENCES TO SECTION 1-1-202  
1-11-101                            3-1-605

REFERENCES TO SECTION 1-1-203  
7-1-4121

REFERENCES TO SECTION 1-1-215  
20-5-304                            20-7-420                            20-10-105                            87-2-102

REFERENCES TO SECTION 1-1-216  
3-1-302                            20-1-307                            20-25-306

REFERENCES TO SECTION 1-1-301  
60-7-204

REFERENCES TO SECTION 1-2-112  
7-32-4117                            15-7-311                            75-7-217

REFERENCES TO SECTION 1-4-102  
28-2-905                            70-20-202                            72-11-304

REFERENCES TO SECTION 1-5-101  
1-5-104

REFERENCES TO SECTION 1-5-103  
1-5-104

REFERENCES TO SECTION 1-5-108  
1-5-110                            70-21-203

REFERENCES TO SECTION 1-5-109  
1-5-110                            70-21-203

SAMPLE

# CODE SECTIONS AFFECTED LIST

Any Montana Code section that would be affected by the passage of a particular bill is listed on a printout titled the Code Sections Affected List. Bill drafters and amendments coordinators use this list to avoid conflicts, correct redundancies, and solve problems. The printout is comprised of two parts:

- 1) Bill drafts and introduced bills. All code sections which could be amended or repealed by **any** bill entered on the automated bill drafting system are listed.
- 2) Enrolled bills. Code sections affected by bills which have **passed** the legislature and have been sent to the Governor for his signature are listed.

The printout is available for use in the Legislative Council offices and library.

INDEX OF ALL SECTIONS AMENDED, ENACTED,  
REPEALED, OR RENUMBERED  
(INCLUDES BILL NUMBERS FOR BILLS  
AMENDED OR ENROLLED ONLY)

SECTION NUMBER	ACTION	BILL NUMBER
1-1-216	AMENDED	LC 0822/01
1-2-108	AMENDED	HB 0015/enr
1-5-405	AMENDED	LC 0856/01
1-5-405	AMENDED	SB 0123/enr
1-12-104	AMENDED	HB 0346/enr
1-12-104	AMENDED	LC 0902/01
2-2-102	AMENDED	HB 0689/03
2-2-103	AMENDED	HB 0689/03
2-2-105	AMENDED	HB 0689/03
2-2-121	AMENDED	HB 0689/03
2-2-125	AMENDED	HB 0689/03
2-2-131	AMENDED	HB 0689/03
2-2-132	AMENDED	HB 0689/03
2-4-102	AMENDED	MR 0649/03
2-4-102	AMENDED	LC 1391/01
2-4-302	AMENDED	SB 0451/02
2-4-302	AMENDED	HB 0037/04
2-4-303	AMENDED	LC 0020/01
2-4-305	AMENDED	LC 0022/01
2-4-305	AMENDED	HB 0035/02
2-4-305	AMENDED	LC 0022/01
2-4-305	AMENDED	LC 0020/01
2-4-305	AMENDED	LC 0023/01
2-4-305	AMENDED	SB 0045/enr
2-4-306	AMENDED	LC 0022/01
2-4-306	AMENDED	LC 0010/01
2-4-312	AMENDED	LC 0020/01
2-4-313	AMENDED	HB 0036/enr
2-4-313	AMENDED	LC 0022/01
2-4-313	AMENDED	LC 0019/01
2-4-314	AMENDED	HB 0046/enr
2-4-314	AMENDED	LC 0022/01
2-4-314	AMENDED	LC 0323/01
2-4-401	REPEALED	LC 1391/01
2-4-401	REPEALED	SB 0451/02
2-4-402	AMENDED	LC 0020/01
2-4-402	AMENDED	LC 0022/01
2-4-402	AMENDED	LC 0021/01
2-4-402	AMENDED	SR 0045/enr
2-4-403	AMENDED	LC 0010/01
2-4-405	AMENDED	SR 0040/02
2-4-412	AMENDED	HB 0067/enr
2-4-412	AMENDED	LC 0022/01
2-4-506	AMENDED	HB 0092/enr
2-4-506	AMENDED	LC 0022/01
2-4-506	AMENDED	LC 0324/01
2-7-102	REPEALED	HB 0346/enr
2-7-102	REPEALED	LC 0902/01
2-7-103	AMENDED	HB 0346/enr
2-7-103	AMENDED	LC 0902/01
2-7-503	AMENDED	LC 0338/01
2-7-503	AMENDED	SR 0063/enr
2-7-514	AMENDED	LC 0338/01
2-7-521	AMENDED	LC 0306/02

SAMPLE

## **BILLS**

Each version of a bill, whether introduced, reported out of committee, passed by the chamber of origin, or approved by both chambers; plus all second-chamber amendments, are available for purchase through the Distribution Center in the capitol basement. Price is set by the Legislative Council, (5-11-212, MCA).

The Legislative Council keeps one copy of each reading version on file in Room 138 of the capitol. Other copies are distributed to the Legislative Information Office, state agencies, public libraries, and County Clerk and Recorder offices.

49th Legislature

LC 0001/01

1 BILL NO.

2 INTRODUCED BY

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A MUNICIPAL  
5 COURT JUDGE AND HIS LAW PARTNERS TO PRACTICE LAW BEFORE ANY  
6 COURT OF THIS STATE EXCEPT THE MUNICIPAL COURT OF THAT  
7 JUDGE; AMENDING SECTIONS 3-1-601, 3-1-603 AND 3-1-604, MCA."

**9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:**

10 Section 1. Section 3-1-601, MCA, is amended to read:

3-1-601. Certain officers not to practice law or  
administer estates. (1) No Except as provided in 3-1-604, no  
justice or judge of a court of record or clerk of any court  
may practice law in any court in this state or act as  
attorney, agent, or solicitor in the prosecution of any  
claim or application for lands, pensions, or patent rights  
or other proceedings before any department of the state or  
general government or any court of the United States during  
his continuance in office.

20           (2) Neither the court administrator nor any assistant  
21 may practice law in any of the courts of this state while  
22 holding his position.

23           (3) No justice or judge of a court of record may act  
24 as administrator or executor of any estate for  
25 compensation."

SAMPLE

# BILL STATUS INQUIRY SYSTEM

During the regular legislative session, the status of legislation is available through the computerized Bill Status Inquiry System. Information on the system includes bill status data, the complete hearing schedules for each standing committee, sponsor lists, daily committee agendas for each chamber (House or Senate) by date, and a subject list of bill draft requests and introduced bills.

STATE OF MONTANA-BILL STATUS INQUIRY SYSTEM MAIN SELECTION SCREEN	
1- BILL STATUS DATA	
2- HOUSE MEMBER BILL SPONSOR LIST	
3- SENATE MEMBER BILL SPONSOR LIST	
4- COMMITTEE HEARING SCHEDULE FOR A SPECIFIC COMMITTEE	
5- HOUSE COMMITTEE HEARING SCHEDULES FOR TODAY, OR FOR SOME FUTURE DATE	
6- SENATE COMMITTEE HEARING SCHEDULES FOR TODAY, OR FOR SOME FUTURE DATE	
7- INTRODUCED BILLS/BILL DRAFT REQUESTS BY SUBJECT	
8- SYSTEM INFORMATION	
TO EXIT SYSTEM, TYPE "OFF" IN THE OPTION NUMBER FIELD AND PRESS THE ENTER KEY.	
TYPE IN OPTION NUMBER HERE ==> AND PRESS THE ENTER KEY.	
OPTIONAL: IF OPTION 1 SELECTED, YOU MAY TYPE BILL NUMBER HERE ==> _____	
OPTIONAL: IF OPTION 7 SELECTED, YOU MAY TYPE IN THE SUBJECT (FULL OR PARTIAL WORDING) HERE ==> _____	

SAMPLE

Bill Status Data includes the bill number, sponsor, short title, and complete record of actions on the bill or resolution.

STATE OF MONTANA--BILL STATUS INQUIRY SYSTEM	
BILL NO: SB 456 BILL FULL STATUS SCREEN	
MAKE MANDATORY THE USE OF SEAT BELTS IN AUTOMOBILES	
SPONSORS: MILLARD, J JENKINS, C ET AL.	
JOINT SPONSOR: HOLMES, B BY REQUEST:	
**DATE***** CURRENT STATUS ***** AYE NAY ***** COMMITTEE *****	
02/05 (S) INTRODUCED	
02/05 (S) REFERRED TO COMMITTEE (S) HIGHWAYS & TRANSPORT	
02/08 (S) HEARING ROOM 410 1:00-3:00 P.M. (S) HIGHWAYS & TRANSPORT	
02/08 (S) COM RPT-BILL DO PASS	
02/10 (S) PLACED ON 2ND READING	
02/10 (S) 2ND READ PASS 58 42	
* MORE ACTIVITIES EXIST FOR THIS BILL ** PAGE FORWARD TO SEE MORE *	
TO DISPLAY THE FULL STATUS OF ANOTHER BILL, TYPE BILL HERE ==> & ENTER.	
PF7 KEY - PAGE BACKWARD ON SCREEN (OR TYPE '7' IN BOX & ENTER)	
PFB KEY - PAGE FORWARD ON SCREEN (OR TYPE '8' IN BOX & ENTER) *****	
PF1 KEY - MAIN SELECTION SCREEN (OR TYPE 'M' IN BOX & ENTER) ==> //	
PF2 KEY - BILL STATUS SELECTION SCREEN (OR TYPE '2' IN BOX & ENTER) *****	

SAMPLE

The Sponsor List is the list of all bills primarily sponsored by each legislator.

STATE OF MONTANA--DILL STATUS INQUIRY SYSTEM  
SENATE SPONSOR ALPHABETICAL SELECTION SCREEN

INSTRUCTIONS: FIND THE SENATOR WHOSE BILLS YOU WISH TO DISPLAY. ENTER  
THE SENATOR'S TWO-DIGIT CODE HERE =>    AND PRESS THE ENTER KEY.

01 AKLESTAD, G	14 GALE, D	26 KOLSTAD, A	39 REGAN, P
02 ANDERSON, J	15 GALT, J	27 LANE, L	40 SEVERSON, E
03 BENGTSON, E	16 GOQUOVER, P	28 LYBECK, R	41 SHAW, J
04 BLAYLOCK, C	17 HAFFEY, J	29 LYNCH, J	42 SMITH, E
05 BOYLAN, P	18 HAGER, T	30 MANNING, D	43 STEPHENS, S
06 BROWN, R	19 HALLIGAN, M	31 MANNING, R	44 STIMATZ, L
07 CHRISTIAENS, C	20 HAMMOND, H	32 MAZUREK, J	45 STORY, P
08 CONOVER, M	21 HARDING, E	33 MCCALLUM, G	46 THAYER, G
09 CRIPPEN, B	22 HIRMSL, M	35 MOJAR, J	47 TOWE, T
10 DANIELS, M	23 HIRSCH, L	36 NEUMAN, T	48 TVEIT, L
11 ECK, D	24 JACOBSON, J	37 NORMAN, B	49 VAN VALKENBERG, F
12 FARRELL, W	25 KEATING, T	38 PINSONEAULT, D	50 WILLIAMS, B
13 FULLER, D			51 YELLOWTAIL, W

\*\*\*\*\*  
ENTER KEY - DISPLAY BILL FOR SENATOR WHOSE CODE IS ENTERED ABOVE  
PF1 KEY - MAIN SELECTION SCREEN (OR TYPE "M" IN BOX & ENTER)  
\*\*\*\*\*

SAMPLE

Each standing committee's hearing schedule is available on the computer system. Hearing date, time, place, and bills scheduled for consideration by the committee are included.

STATE OF MONTANA--BILL STATUS INQUIRY SYSTEM  
COMMITTEE HEARING SCHEDULE FOR (S) PUBLIC HEALTH, W & S  
CHAIRMAN SECRETARY

\*\*\*\*\* NORMAL COMMITTEE HEARING SCHEDULE INFORMATION \*\*\*\*\*  
SITE- ROOM 410 DAYS- M-W-F TIME- 1:00-3:00 P.M.

\* DATE \* BILL NO \*\*\* SPONSOR \*\*\* ADDITIONAL SCHEDULE INFO/SHORT TITLE \*\*  
02/08 SB 326 RICHARDS,J  
REVISE SENTENCES FOR POSSESSION OF DANGEROUS DRUGS  
02/08 HB 67 ARMSTRONG,R  
INCREASE LEGAL AGE LIMIT FOR ALCOHOLIC CONSUMPTION TO AGE 20  
02/08 SB 290 JENKINS,C  
REPEAL SECTION RELATING TO CRIMINAL PENALTIES FOR ACCIDENTAL AIR POLLUTION

\*\*\*\*\* LAST PAGE OF LIST \*\* NO MORE HEARINGS SCHEDULED FOR THIS COMMITTEE \*\*  
\*\*\*\*\*  
PF7 KEY - PAGE BACKWARD ON SCREEN (OR TYPE '7' IN BOX & ENTER)  
PF8 KEY - PAGE FORWARD ON SCREEN (OR TYPE '8' IN BOX & ENTER)  
PF1 KEY - MAIN SELECTION SCREEN (OR TYPE 'M' IN BOX & ENTER)  
PF2 KEY - COMMITTEE SELECTION SCREEN (OR TYPE '2' IN BOX & ENTER)

SAMPLE

Information on all the hearings scheduled in the committees of a particular chamber (House or Senate) on a particular day are also available.

STATE OF MONTANA--BILL STATUS INQUIRY SYSTEM  
DATE: 01/07 DAILY HEARING SCHEDULE (ALPHABETICAL BY COMMITTEE)  
\*\* COMMITTEE \*\*\*\*\* BILL NO \*\*\* TENTATIVE SCHEDULE \*\*\*\*\*  
(S) BUSINESS & INDUSTRY SB 6 ROOM 410 10:00 A.M.-12 NOON  
REVISION OF CHAPTERS 8 AND 9 OF THE U.C.C.  
(S) BUSINESS & INDUSTRY SD 39 ROOM 410 10:00 A.M.-12 NOON  
SECURED PARTY/LICENSEE OWNERSHIP IN OTHER ALL-BEVERAGES LICENSE  
(S) BUSINESS & INDUSTRY SU 40 ROOM 410 10:00 A.M.-12 NOON  
RELATING TO THE RESALE OR DESTRUCTION OF SEIZED ALCOHOLIC BEVERAGES  
(S) JUDICIARY SII 30 OLD SUPREME COURT 10:00 A.M.-12 NOON  
WARNING TO DRIVER WHO GETS 15 POINTS IDAHO HABITUAL TRAFFIC OFFENDER STATUS  
(S) JUDICIARY SU 56 OLD SUPREME COURT 10:00 A.M.-12 NOON  
ESTABLISH ASSUMPTION OF THE RISK AS ABSOLUTE DEFENSE IN CIVIL ACTIONS  
(S) TAXATION SB 32 ROOM 413/415 8:00-10:00 A.M.  
EXEMPT PRODUCER-HELD GRAIN IN STORAGE FROM PROPERTY TAXATION  
(S) TAXATION SB 21 ROOM 413/415 8:00-10:00 A.M.  
CHEATING A COAL RESEARCH AND DEVELOPMENT ACCOUNT FROM COAL SEVERANCE TAX  
-- MORE HEARINGS FOR THIS DATE -- PAGE FORWARD TO SEE MORE --  
\*\*\*\*\*  
TO LIST HEARINGS FOR ANOTHER DATE, TYPE MONTH => - AND DAY => - AND ENTER.  
\*\*\*\*\*  
PF7 KEY - PAGE BACKWARD ON SCREEN (OR TYPE '7' IN BOX & ENTER) \*\*\*\*\*  
PF8 KEY - PAGE FORWARD ON SCREEN (OR TYPE '8' IN BOX & ENTER) ==> -  
PF1 KEY - MAIN SELECTION SCREEN (OR TYPE 'M' IN BOX & ENTER) \*\*\*\*\*

SAMPLE

Bill draft requests and introduced bills can be identified through the Subject Selection Screen. All bill draft requests are assigned to specific subject categories. A list of these categories is found online. By accessing these categories, all bills or bill draft requests on a particular topic can be located.

STATE OF MONTANA--BILL STATUS INQUIRY SYSTEM  
SUBJECT SELECTION SCREEN

INSTRUCTIONS: FIRST, SELECT THE DESIRED SUBJECT BY POSITIONING CURSOR ON THE LINE TO THE LEFT OF THE SUBJECT AND TYPING 'S'. (IF THE DESIRED SUBJECT IS NOT LISTED BELOW, TYPE IN THE FIRST LETTER(S) OF THE SUBJECT ON THE SUBJECT FINDER LINE HERE==> AND PRESS THE ENTER KEY). ONCE YOU HAVE SELECTED THE A SUBJECT, YOU MAY DISPLAY  
1) INTRODUCED BILLS FOR THE SUBJECT BY PRESSING THE ENTER KEY, OR  
2) BILL DRAFT REQUESTS FOR THE SUBJECT BY PRESSING THE PF3 KEY.

- AGRICULTURE, SEE ALSO LIVESTOCK  
- ALCOHOLIC BEVERAGES  
- ANTIQUITIES, SAME AS ARTS AND ANTIQUITIES  
- APPROPRIATIONS  
- ARTS AND ANTIQUITIES  
- BOND ISSUES, PUBLIC  
\*\*\*\*\*  
ENTER KEY - DISPLAY INTRODUCED BILLS LISTS  
PF3 KEY - DISPLAY DRAFT REQUESTS (OR TYPE '3' IN BOX & ENTER)  
PF7 KEY - PAGE BACKWARD ON SCREEN (OR TYPE '7' IN BOX & ENTER)  
PF8 KEY - PAGE FORWARD ON SCREEN (OR TYPE '8' IN BOX & ENTER) ==> -  
PF1 KEY - MAIN SELECTION SCREEN (OR TYPE 'M' IN BOX & ENTER) \*\*\*\*\*

SAMPLE

During the regular legislative session, access to the Bill Status Inquiry system is available to the public through a computer link with the state's computer. Contact the Montana Department of Administration's Information Services Division for subscription and equipment requirements.

Paper copies of two reports produced from the Bill Status Inquiry System are available for purchase from the Distribution Center in the capitol. The daily hearing schedules and the daily bill status are available by subscribing to the legislative proceedings or by direct purchase. Price is set according to the number of pages.

# HOUSE AND SENATE AGENDAS

The Secretary of the Senate and the Chief Clerk of the House prepare the daily agendas of bills to be debated in their respective Committee of the Whole. The agendas list the bill number, sponsor, short title, and which report is to be considered (2nd reading, 3rd reading, conference committee amendments, Governor's amendments, etc.)

In addition, second and third reading information can be found online through the Bill Status Inquiry System. Checking the status of a specific bill will reveal whether or not that bill is scheduled for second or third reading.

The agendas are available from the Legislative Information Office, the Secretary of the Senate, or the Chief Clerk of the House. Bill status terminals are located in two areas of the capitol for easy access.

		Montana House of Representatives •• AGENDA ••	Chief Clerk
LEGISLATIVE DAY # 37 CONVENES 10:00			
<b>2ND READING</b>			
<b>KEY:</b> WR=> WITHOUT RECOMMENDATION (COMM. RPT.)      O=> OBJECTION FILED ON ADVERSE COMM. RPT. GA=> GOVERNOR'S AMENDMENTS TO BILL, 2ND READ.      SA=> SENATE'S AMENDMENTS TO BILL, 2ND READ			
HB 331	QUILICI, JOE	SPECIAL LICENSE PLATES FOR ARMED FORCE RESERVISTS	
HB 480	DONALDSON, GENE	ALLOW REAPPROPRIATION OF UNEXPENDED BALANCE FROM SPECIAL ED APPROPRIATION	
O HB 619	SANOS, JACK	REQUIRE PLAINTIFF IN JUSTICE'S COURT TO FILE A MOTION FOR DEFAULT ENTRY	
HB 646	RAPP-SVRCEK, PAUL S.	TRUTH IN LABELING FOR ORGANIC FOODS	
HB 816	WILLIAMS, J. MELVIN	HELVETICA BOLD LETTERING ON STATE FLAG	
HB 656	MCCORMICK, LLOYD J.	WORKERS' COMPENSATION INSURER LIABILITY FOR COSTS AND ATTORNEY FEES	
SA HJR 30	GLASER, WILLIAM E.	URGES CONGRESS TO APPROVE A REVISED INTERSTATE HIGHWAY COST ESTIMATE	
HB 341	MILLER, RON	CIVIL LIABILITY OF PERSON WHO STOPS PAYMENT ON CHECK, DRAFT, OR ORDER	
HB 360	HAMMOND, JOE	INCREASE NOTICE PERIOD FOR EVICTING SPACE RENTER WHO FAILS TO PAY RENT DUE	
HB 362	BAROANOUE, FRANCIS	RENEWAL OF FACILITY SITING CERTIFICATE	
GA HB 380	BRAOLEY, DOROTHY	ELIMINATING NONDUPLICATING PROVISION FROM RURAL COOPERATIVE UTILITIES LAW	
HB 414	IVERSON, DENNIS	PUBLIC SAFETY COMMISSION EMPLOYEES - SALARY, WORKPERIOD, AND OVERTIME	
HB 481	BRANDEWIE, RAY	MENTIONING SENTENCE TO JURORS; NO CHALLENGE FOR BELIEF ITS TOO SEVERE	
HB 483	SPAETH, GARY	PROCEDURE TO DISSOLVE COUNTY WATER AND SEWER DISTRICT	
O HB 484	PECK, RAY	METHOD TO CORRECT PROPERTY DESCRIPTION IN COUNTY WATER AND SEWER DISTRICT	
HB 496	DARKO, PAULA A.	AUTHORIZING FORMATION OF COUNTY PARK DISTRICTS	

SAMPLE

# VOTES

Votes of the Committee of the Whole are kept by the Secretary of the Senate and the Chief Clerk of the House during the session. Copies of these votes are available for use at the Legislative Information Office and the Council main office. After session, votes are transferred to the Secretary of State's office. Votes are published in the House and Senate Journals and the History and Final Status.

Votes of standing committees are available from the Legislative Information Office or the committee secretaries during the session. After session, committee minutes and votes are transferred to the Montana Historical Society. Copies of the minutes are available from the Legislative Council Library and the State Law Library.

RSN: 422		MONTANA SENATE SB 352																		
47TH SESSION		49	YEAS	0	NAYS	1	EXC	0	N/V	0	18/81 3:19 PM									
<b>PS 3RD</b>																				
Y	ANLESTAD	Y	GALT	Y	KEATING	Y	REGAN													
Y	ANDERSON	Y	GODHOVER	Y	KOLSTAD	Y	RYAN													
Y	BORG	Y	GRAHAM	Y	LEE	Y	SEVERSON													
Y	BLAYLOCK	Y	HAFFERMAN	Y	MANLEY	Y	SMITH													
Y	BOYLAN	Y	HAFFEY	E	MANNING	Y	STEFHENS													
Y	BROWN, R.	Y	HAGER	Y	MAZUREK	Y	STIMATZ													
Y	BROWN, S.	Y	HALLIGAN	Y	MCCARTLEM	Y	STOKI													
Y	CONOVER	Y	HAMMOND	Y	NELSON	Y	THOMAS													
Y	CRIPPEN	Y	HAZELBAKER	Y	NORMAN	Y	TOWF													
Y	DOVER	Y	HEALY	Y	OCHSNER	Y	TVEIT													
Y	ECK	Y	HIMSL	Y	O'HARA	Y	VAN VALKENBURG													
Y	ELLSTOTT	Y	JACOBSON	Y	OLSON	Y	TURNAGE, PRES.													
Y	ETCHART	Y	JOHNSON																	
<hr/>																				
<b>HOUSE OF REPRESENTATIVES</b>																				
<b>AYES - 82</b>																				
ANDERSON			DUER			KING-WASHINGTON			SCRUGGS											
ATCHLEY			ELLIS			KISBER			SEVERANCE											
BELL			ELSEA			LOVE			SHIRLEY											
BEWLEY			FORD			MCALFEE			SHOCKLEY											
BIVENS			FRENSLEY			MCKINNEY			SIR											
BRAGG			GAFFORD			MCNALLY			SMITH											
BREWER			GAIA			MILLER			STAFFORD											
BUCK			GILL			MONTGOMERY			STALLINGS											
BURNETT			HARRILL			MOORE-SULLIVAN			STARNES											
BYRD			HASSELL			MURPHY			TANNER											
CHILES			HENRY			MURRAY			TURNER											
CLARK-DAVIDSON			HERNDON			NAIFEH			WALLACE											
CLARY-SUMNER			HILLIS			NANCE			WEBB											
COBB			HUDSON			NAPIER			WHEELER											
COPELAND			HURLEY			OWEN			WHITSON											
COVINGTON			HUSKEY			PERCY			WILLIAMS											
DAVIDSON			JARED			PHILLIPS			WIX											
DAVIS-GIBSON			JOHNSON			PICKERING			WOLFE											
DAVIS-HAMILTON			JONES			RHINEHART			WOOD											
DAVIS-PICKETT			KELLEY			ROBERTSON			SPEAKER											
DEBERRY			KENT																	
<b>NOES - B</b>																				
DEPRIEST			DREW			ROBINSON-DAV			SCRUGGS											
DILLS			KERNELL			ROBINSON-HAM			SEVERANCE											
<b>NOES - B</b>																				
<b>PRES NOT VOTING - 4</b>																				
DISSPAYNE			KING-SHELBY			ROBINSON-WASH			SHIRLEY											
<b>NOT VOTING - 5</b>																				
CRAIN			E MOORE-SHELBY			PRUITT			WITHERS											
DIXON																				
<b>SAMPLE</b>																				

# SUBJECT INDEX

As bills are introduced into session, a subject index is compiled and printed. This index, updated daily, lists all introduced bills under standard subject headings. Using this tool, bill numbers can be easily located when only the subject of the bill is known.

The Subject Index is available for use in all Council offices. It can also be purchased at the capitol Distribution Center. Price is set according to the number of pages (Joint Rule 8-8).

## ADMINISTRATIVE RULES

### Adoption

prevention when rule is substantially identical to defeated legislation. SB 292  
requirements, revision. SB 181

Air quality emission standards regarding fluoride and particulate emissions  
repeal of conflicting rule. HJR 22

Cigarettes, sale of untaxed -- amendment to reduce paperwork concerning  
HJR 4

Economic impact statements, revision of requirements. SB 181, HB329, HB 586  
Fluoride on forage, repeal of present and adoption of new standard. SJR 17

Hearings, notice requirements changed. HB 252

Legislative review. HB 39

Legislators, notice of hearings required when. HB 252

Omissions. HB 38

Register, omissions. HB 38

Repeal by administrative code committee, constitutional amendment for  
HB 496

Revision and clarification of provisions. HB 74

### Suspension

legislature, by poll of -- constitutional amendment for HB 40  
temporary by administrative code committee. SB 273

## ADOPTION

Records, revision of laws generally. SB 245

Relinquishment and placement of children without agency involvement. SB 267

Revision of provisions. SB 267

Uniform Adoption Act, revision. SB 267

## ADVERTISING

Drug paraphernalia, a criminal offense. HB 300

Handicapped persons, parking permit provisions for. SB 79

Housing, discrimination laws to conform to federal requirements. SB 57

Outdoor. See OUTDOOR ADVERTISING

Pregnancy, adverse effects of alcohol and certain over-the-counter  
drugs. HJR 6

SAMPLE

# HISTORY AND FINAL STATUS OF BILLS

Following the session, the History and Final Status of Bills and Resolutions is published. This volume combines the bill status data from the Bill Status Inquiry System, along with the Sponsor List, the Subject Index, and an effective date table.

Copies are available to subscribers of the legislative proceedings free of charge. Non-subscribers can purchase copies from the Legislative Council.

HB 318 -- MANUEL -- PERMITTING A COUNTY TO LEVY A TAX ON CERTAIN PROPERTY WITHIN THE COUNTY FOR GENERAL FIRE CONTROL ACTIVITIES AND TO LEVY A COUNTYWIDE TAX FOR FIRE EMERGENCIES; AMENDING SECTION ...; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE

INTRODUCED: 01/18/83  
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 01/18/83  
HEARING: 1/27/83  
REPORT: 02/07/83, DO PASS  
2ND READING: 02/10/83, DO PASS AYES: 69; NAYS: 20  
3RD READING: 02/12/83, DO PASS AYES: 79; NAYS: 20

TRANSMITTED TO SENATE: 02/12/83  
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 02/12/83  
HEARING: 3/3/83  
REPORT: 03/04/83, BE NOT CONCURRED IN. REPORT ADOPTED.  
BILL KILLED

HB 319 -- MANUEL -- PERMITTING A COUNTY GOVERNING BODY TO ENTER INTO MUTUAL AID AGREEMENTS FOR FIRE PROTECTION; ... AND PROVIDING AN EFFECTIVE DATE.

INTRODUCED: 01/18/83  
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 01/18/83  
HEARING: 1/27/83  
REPORT: 02/07/83, DO PASS, AS AMENDED  
2ND READING: 02/09/83, DO PASS AYES: 90; NAYS: 0  
3RD READING: 02/11/83, DO PASS AYES: 92; NAYS: 6

TRANSMITTED TO SENATE: 2/11/83  
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 02/12/83  
HEARING: 3/3/83  
REPORT: 3/10/83, BE CONCURRED IN, AS AMENDED  
2ND READING: 03/12/83, BE CONCURRED IN, AS AMENDED AYES: 48; NAYS: 0  
3RD READING: 03/15/83 AYES: 48; NAYS: 0

RETURNED TO HOUSE WITH AMENDMENTS: 03/15/83  
2ND READING: 03/31/83, BE NOT CONCURRED IN AYES: 80; NAYS: 0

CONFERENCE COMMITTEE APPOINTED: 03/31/83  
CONFERENCE COMMITTEE DISSOLVED: 4/8/83

FREE CONFERENCE COMMITTEE APPOINTED: 4/9/83

FREE CONFERENCE COMMITTEE REPORT: 4/11/83

## HOUSE

2ND READING: 04/13/83, ADOPTED AYES: 94; NAYS: 0  
3RD READING: 04/14/83, ADOPTED AYES: 93; NAYS: 0

## SENATE

2ND READING: 04/15/83, BE ADOPTED AYES: 49; NAYS: 0  
3RD READING: 04/16/83, BE ADOPTED AYES: 48; NAYS: 0

TRANSMITTED TO GOVERNOR: 04/21/83  
SIGNED: 4/25/83, CHAPTER 615

HB 320 -- HAMMOND -- TO REVISE THE METHOD BY WHICH THE DEPARTMENT OF HIGHWAYS DISPOSES OF REAL PROPERTY; TO RAISE THE VALUE OF REAL PROPERTY THAT CAN BE SOLD AT PRIVATE

# HOUSE AND SENATE JOURNALS

The House and Senate Journals provide a record of all actions taken on bills and resolutions introduced into the session. The journals are printed daily during the session and they set forth the text of communications between houses, committee reports, transmittal correspondence to and from the executive, plus votes on motions, amendments, and bills. The journals are not verbatim and do not contain a transcript of debate in the Committee of the Whole. Daily journals can be purchased from the capitol Distribution Center.

After session, the daily journals are published as a set by the Legislative Council. The set includes a two part index which contains a complete subject index and a list of each bill and resolution with corresponding page numbers to journal entries. Bold face entries indicate those pages where votes appear.

The journals are furnished free of charge to each County Clerk and Recorder, the State Library, and the State Law Library. Subscriptions to the journal are available through the Legislative Council.

## HOUSE BILLS

113

<sup>70</sup> Introduced by Pavlovich: A bill for an act entitled: "An act amending section 27-6-206, MCA, to exempt health care providers not in private practice from payment of the medical malpractice panel assessment."

**House Page No.** 16, 26, 49, 790, 831, **891, 892, 897, 915, 1573, 1743, 1750, 1751, 1834, 1932, 1951, 1989, 2185, 2193, 2199.**

**Senate Page No.** 674, 682, 1050, 1156, 1179, **1240, 1241, 1256, 140<sup>7</sup>, 1410, 1538, 1540, 1777, 1796.**

<sup>72</sup> Introduced by Harper: A bill for an act entitled: "An act setting the date for the primary election and for the presidential preference primary election; amending sections 13-1-10<sup>7</sup> and 13-10-401, MCA; and repealing section 13-10-402, MCA."

**House Page No.** 16, 53, 57, 73, 80, **88.**

SAMPLE

## PROCEEDINGS

### EIGHTY-FIRST LEGISLATIVE DAY

1459

The Senate Amendments to the following House Bills were on 4/10/81, concurred in:

Senate Amendments to House Bill No. 415, introduced by Sivertsen (94-0)

Senate Amendments to House Bill No. 654, introduced by Menahan (91-0)

The following House Joint Resolution was on 4/10/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 61, introduced by Waldron (86-8)

### MOTIONS

Senator Lee moved that the Senate reconsider its action taken on rejecting the House Amendments to Senate Bill No. 392. Motion carried by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Eck, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Himsel, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Ochsner, O'Hara, Ryan, Severson, Smith, Story.

Total 27

Noes: Aklestad, Anderson, Conover, Elliott, Etchart, Haffey, Hammond, Hazelbaker, Healy, Jacobson, Keating, McCallum, Norman, Olson, Regan, Stephens, Stimatz, Tveit, Van Valkenburg, Mr. President.

Total 20

Excused: Thomas, Towe.

Total 2

Absent or not voting: Dover.

Total 1

Senator Stephens moved, duly carried, that the House Amendments to Senate Bill Nos. 139, 270, 272, 287, 288, 305, 335, 347, 362, 381, 442, 449, 458, 463, 475, 479, and 480 be placed on Third Reading this day.

### FIRST READING OF BILLS

The following House Joint Resolution was introduced, read first time and referred to committee:

HJR 61, introduced by Waldron, Holliday, Hurwitz, Fabrega, Roush, Bertelsen, Devlin, Switzer, Iverson, Bardanouye, Roth, Kitselman, Dozier, Asay, Kemmis, Dussault, Shontz, Kessler, McBride. Referred to Committee on Local Government.

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Joint Resolution No. 34 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsel, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.

Total 45

SAMPLE

# LEGISLATIVE REVIEW

The first report published following the completion of a regular session is the Legislative Review. This publication provides a summary of all bills which will become law. The Legislative Review is organized by chapter number, with bill number, chief sponsor, and a summary of the provisions of the bill included.

Appropriations bills and resolutions are listed separately.

The index is divided into a subject index, a code sections affected list, a chapter number to code section list, a chapter number to bill number and bill number to chapter list, plus the effective date table, for easy reference. This index is used as a temporary index until the revised MCA index is available.

The Legislative Review is free to all subscribers to the Montana Code Annotated. Non-subscribers are charged a nominal fee.

Ch. No.	SB	HB	Chief Sponsor	
169	276		Harding	An act increasing the time in which audit reports of political subdivisions by the Department of Commerce must be issued from 60 days to 120 days of completion of field work; amending section 2-7-514, MCA.
170	303		Manning	An act to clarify the authority of the Public Service Commission to assess fines for violations of the Federal Natural Gas Pipeline Safety Act; amending section 69-3-207, MCA; and providing an immediate effective date.
171	311		Halligan	An act to provide staggered terms for the members of the advisory council on aging; amending section 2-15-231, MCA; and providing an immediate effective date.
172	547		Miles	An act extending the prohibition against the admissibility of evidence of a victim's sexual past in cases of sexual intercourse without consent to all sexual crimes; allowing the imposition of both jail time and a fine after a conviction of sexual assault; amending sections 45-5-502, 45-5-503, and 45-5-511, MCA.
173	644		Nathe	An act providing for a presentence investigation of a person convicted of committing a sex offense against a victim less than 16 years old; amending section 46-18-111, MCA.
174	31		Himsl	An act providing for waiver of County Surveyor qualifications when the office of County Surveyor is consolidated with another county office; providing for contracting with a person who meets those qualifications to perform duties of County Surveyor; amending section 7-4-2801, MCA; and providing an immediate effective date.
175	94		McCallum	An act to provide that the term of a person appointed to fill a vacancy in the office of Justice of the Peace or City Commissioner terminates as of the next general election and qualification of successor; to conform the term of appointment of these offices with other elective offices; amending sections 3-10-206 and 7-3-4317, MCA; and providing a delayed effective date and an applicability date.

SAMPLE

# SESSION LAWS

The complete text of every bill which has been passed by the legislature and signed by the Governor is published in hard-cover under the title: Laws of Montana (year). The set is popularly referred to as the "Session Laws". The Secretary of State's office assigns each bill a chapter number chronologically, with Chapter 1 being the first bill passed and signed.

The full text of appropriations bills and resolutions passed are also printed. These measures do not receive chapter numbers.

All initiatives, referendums, and constitutional amendments brought before the voters during the interim also appear in the Session Laws.

The following organizations receive a free copy of the Session Laws: 1) the State Library; 2) the Montana Historical Society; 3) the State Law Library; 4) the offices of the County Clerk and Recorder, County Attorney, and the Clerk of District Court; 5) custodial and institutions; 6) university and community college libraries; 7) most large public libraries; 8) Supreme Court and District Court judges.

Subscriptions to the Session Laws are available from the Legislative Council.

Ch. 609

MONTANA SESSION LAWS 1985

1291

## CHAPTER NO. 609

[HB 820]

AN ACT REQUIRING PURCHASE OF A STAMP TO HUNT WATERFOWL; REQUIRING THAT MONEY GENERATED BY THE SALE OF STAMPS AND RELATED ARTWORK BE USED FOR PRESERVATION AND DEVELOPMENT OF WETLANDS; REQUIRING THE APPOINTMENT OF AN ADVISORY COUNCIL TO ADVISE THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS ON THE USE OF MONEY RAISED BY THE SALE OF STAMPS AND ARTWORK; AND PROVIDING EFFECTIVE DATES.

*Be it enacted by the Legislature of the State of Montana:*

**Section 1. Stamp required to hunt waterfowl.** (1) It is unlawful for any person 16 years of age or older to pursue, hunt, shoot, or kill waterfowl without first having obtained a valid waterfowl stamp from the department. The fee for such stamp is \$5.

(2) For the purpose of this section, the term "waterfowl" means wild ducks, wild geese, brant, and swans.

**Section 2. Procurement and sale of artwork — disposition of proceeds.** (1) The department shall contract with an art publisher for the selection, by contest or other method, of a design for the annual waterfowl

SAMPLE

# MONTANA CODE ANNOTATED

The Montana Code Annotated is the systematic arrangement of all permanent state statutes (laws) currently in force in Montana. The MCA is published in two parts: the Code itself and the Annotations to the Code. A new edition of the Code is printed every odd-numbered year with new laws added, repealed laws deleted, and amended statutes updated. The Legislative Council legal staff is responsible for the codification process.

An entry in the MCA includes the statute, its legislative history, plus any compiler's comments and cross-references to related code sections.

The second part of the MCA, the Annotations, incorporate background materials relating to the statutes, including pertinent official comments, case notes, references to administrative rules, digests of Attorney General's opinions, citations to law review articles, bar publications, and legal encyclopedias. An explanation of each of these items is found in the preface to Volume I of the Annotations.

The Code and the Annotations can be purchased from the Legislative Council. The MCA is available in hard-copy and on microfiche. Certain titles are printed separately and can be purchased in pamphlet format.

The Annotations are only available in hard-copy. Titles can be purchased in pamphlet format or as a complete set.

## CODES

**32-1-235. Penalty for failure to make report within five days.** If any bank neglects to make out or transmit the statements required by this chapter within 5 days after call, it shall be subject to a penalty of \$20 for each day in default after the period respectively required by this chapter that it may delay to make and transmit any such statements. Should any bank delay for a period of 1 month to make out and transmit the statements and proofs of publication required by this chapter beyond the period when the same is required to be made or willfully violate any of the provisions of this chapter with reference to said statements and reports, the directors shall be personally responsible for all the debts of such corporation contracted previous to and during the period of such neglect.

*History:* En. Sec. 66, Ch. 89, L. 1927; re-en. Sec. 6014.70, R.C.M. 1935; R.C.M. 1947, 5-706.

### Cross-References

Corporations — liability of directors in certain cases, 35-1-409.

**32-1-236. False statements and entries considered felony.** Every officer or other person authorized by this chapter who willfully and knowingly makes any false statement of facts, statement of account, or report and every officer, agent, or clerk of any bank who willfully and knowingly makes any false entries in the books of such bank or knowingly subscribes or exhibits false papers with the intent to deceive any person authorized to examine such bank and every person authorized by the provisions of this chapter to make statements or reports who willfully and knowingly subscribes or makes any false statement or report is guilty of a felony and upon conviction thereof shall be imprisoned in the state prison for a term of not less than 1 or more than 10 years or be fined an amount not to exceed \$50,000, or both.

*History:* En. Sec. 67, Ch. 89, L. 1927; re-en. Sec. 6014.71, R.C.M. 1935; amd. Sec. 15, Ch. 71, L. 1977; R.C.M. 1947, 5-707; amd. Sec. 7, Ch. 198, L. 1981.

## ANNOTATIONS

### 32-1-235. Penalty for failure to make report within five days.

#### **Collateral References**

Banks and Banking ↗ 19.  
9 C.J.S. Banks and Banking § 38.

### 32-1-236. False statements and entries considered felony.

#### **Case Notes**

*Intent to Deceive:* In a prosecution against the cashier of a state bank under section 6077, R.C.M. 1921 (now repealed), for knowingly exhibiting or subscribing false papers, with the intent to deceive the State Bank Examiner, it is essential to prove beyond a doubt the intent to deceive. *St. v. Asal*, 79 M 385, 256 P 1071 (1927). See also *St. v. Arnot*, 79 M 417, 256 P 1082 (1927).

*Director's Duty to Report:* The "making" of a report by a state bank to the Superintendent of Banks (now Department of Commerce) as required by section 6071, R.C.M. 1921 (now repealed), comprehended any acts necessary to effectuate the purpose of the requirement. The attestation by a director is essential to the completion thereof and to that extent imposes upon him the duty of making the report. By attesting to the report he vouches for the absolute truthfulness of the report. An indictment charging him with a violation of the statute in so making a false report states a public offense. *In re Lockhart*, 72 M 136, 232 P 183 (1924).

#### **Collateral References**

Banks and Banking ↗ 20, 61.  
9 C.J.S. Banks and Banking §§ 39, 148 through 154.  
10 Am. Jur. 2d Banks §§ 234 through 238.

Construction and application of statutes relating to civil liability of directors, officers or employees of bank, in case of false reports or statements. 114 ALR 472.

Criminal offense of making false statement or report as to assets or condition of bank. 85 ALR 824.

Abatement upon death, of cause of action to enforce personal liability of corporate officer, director or trustee, because of failure to file reports or making false reports. 79 ALR 1517, 1524.

## Part 3

### Formation and Reorganization

#### **Part Collateral References**

Banking corporation's power to enter into partnership or joint venture. 60 ALR 2d 917.

### 32-1-301. Organization and incorporation — articles of agreement.

#### **Collateral References**

Banks and Banking ↗ 22 through 34, 292, 312.  
9 C.J.S. Banks and Banking §§ 41 through 56, 959, 1046.  
10 Am. Jur. 2d Banks §§ 8, 20, et seq.  
State banks, insurance companies, or building and loan associations, which are members of federal reserve banks or similar federal agencies or national banks, as within state social security or unemployment compensation act. 165 ALR 1250; 145 ALR 1074.  
Powers of bank president or vice-president. 67 ALR 970; 1 ALR 693.

SAMPLE

# INTERIM DIRECTORY OF LEGISLATIVE COMMITTEES

The Interim Directory of Legislative Committees contains a summary of those joint resolutions which were chosen for legislative study. Membership for each interim committee is given, along with the Legislative Council staff member assigned to the committee.

The directory also includes: a) membership of the statutory committees receiving Legislative Council staff assistance; 2) membership of permanent legislative committees; 3) Montana's legislative representatives on the Council of State Governments and National Conference of State Legislatures committees; and, 4) membership on other committees associated with the legislature.

Copies are free and available from the Legislative Council.

## STUDY COMMITTEE ON CORRECTIONS POLICY AND FACILITY NEEDS

### Study Resolution:

HJR 65 and HJR 59

The Study Committee on Corrections Policy and Facility Needs has been assigned to study Montana's overall correction policy and the related prison needs. The Committee has been charged to consider at least the following: the prison release and furlough programs; prerelease programs and facilities; questions about the maximum size of a prison facility that should be built in one location; the proper use of community and forest work camp programs and the relationships of such programs to prison needs; the long-term need for prison facilities in the state; the long-term needs for juvenile correction and evaluation facilities; and the health care of prisoners. The Committee is also charged to study sentencing of convicted criminal defendants and to determine if uniformity in sentencing is a desirable goal for sentencing throughout Montana. An additional charge to the Committee is to consult with the Department of Institutions in the development of the comprehensive plans set forth in HB 483 relating to the appropriations of \$3 million as set forth in item 7 of the appropriations to the Department's central office.

### Study Committee Membership:

Sen. Bob Brown	Rep. Budd Gould
Sen. Stan Stephens	Rep. Andrea Hemstad
Sen. Thomas Towe	Rep. Michael Keedy
Sen. Fred Van Valkenburg	Rep. Dan Yardley

### Staff:

Kathleen Harrington  
Dennis M. Taylor

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# INTERIM STUDY FINAL REPORTS

The Legislative Council prepares and publishes all final reports of the interim committees. The reports contain a copy of the joint resolution requesting the study, committee membership and staff, actions, findings, and recommendations of the committee, plus any proposed legislation to be brought before the legislature.

A bibliography of all research reports is found in the **Introduction to the Montana Legislative Council**. Copies of the current interim's final reports can be ordered from the **Catalog of Interim Study Final Reports**. Copies are free while supplies last.

## FINDINGS AND CONCLUSIONS

The Committee on Corrections Policy and Facility Needs found that:

- 1) There appears to be no immediate need for additional residential facilities at Montana State Prison; should the prison population increase so as to require additional facilities, careful consideration should be given to residential alternatives outside the prison;
- 2) Work rehabilitation and job training should be considered as worthwhile alternatives; and
- 3) The Committee views with alarm the increased incarceration rates recently experienced in Montana.

## SUMMARY OF RECOMMENDATIONS - CORRECTIONS

The Committee on Corrections Policy and Facility Needs recommends to the 47th Legislature:

- 1) That the Correctional Needs Report from the Department of Institutions be commended to the 47th Legislature for their consideration; and
- 2) That this state make a major commitment to adult probation and parole.

## SUMMARY OF RECOMMENDATIONS - SENTENCING

The Committee on Corrections Policy and Facility Needs recommends to the 47th Legislature:

- 1) That plea bargaining be an open process with a written record;
- 2) That the state be allowed to request an appellate review of a legal or a deferred sentence;
- 3) That the maximum period for deferred imposition of a sentence for a felony be increased from 3 to 5 years;
- 4) That fines and assessment of costs in felony criminal cases be allowed and community service as a condition of deferred or suspended sentence be allowed;
- 5) That additional sentences for crimes committed with a dangerous weapon run consecutively with the sentence provided for that offense;
- 6) That there be increased punishment of persons who have been convicted of three separate felonies;

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# The INTERIM

The Interim is a newsletter published by the Legislative Council the first Friday of each month during the period between sessions. It gives a summary of activities of the interim study and permanent legislative committees. It is published for legislators, their staff, agencies, and state government department heads.

The publication is available to legislators and to the public from the Council while supplies last. There is a nominal charge for mailed copies.



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## INTERIM COMMITTEES

### FISH AND GAME

#### FINAL RECOMMENDATIONS DECIDED

The Joint Subcommittee on Fish and Game held its final meeting of the interim on October 14. The meeting was primarily a work session to develop the Committee's final report.

A contingent from Cooke City testified that the "bear problems" being reported in their city were not very significant. They requested more cooperation from the Department of Fish, Wildlife, and Parks.

The Committee made several formal "findings" regarding the Department's staffing, management and land acquisition policies. A recommendation to increase the number of wardens to 95 was adopted. Bill drafts to be included in the report pertain to amending the statutes regulating outfitters, and to amending the code sections restricting Fish, Wildlife, and Parks employees from testifying before the Legislature.

The final report should be available in December.

### BUSINESS

#### RECOMMENDATIONS SET IN OCTOBER MEETING

October was an active month for the Joint Subcommittee on Business. It co-sponsored the Forum on Environmental Regulation and the Economy with the EQC on October 4 and 5. The Forum was very productive and quite a success.

The Committee also held its final meeting on October 6 in Helena. Contents and format for the final report were the main order of business. The Committee adopted about a

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